

**SHAWANO COUNTY  
ORDINANCE NO. 2-96**

**WHEREAS**, the Shawano County Shoreland Zoning Ordinance with wetland provisions was approved on February 1, 1987; and

**WHEREAS**, the Towns of Lessor and Hartland have recommended to the County Board changes for the White Lake Watershed area; and

**WHEREAS**, the Shawano County Planning, Development and Zoning Committee held a public hearing on July 3, 1996, in regard to the proposed White Lake protection district in the Towns of Lessor and Hartland (a copy of which is attached); and

**WHEREAS**, the Shawano County Planning, Development & Zoning Committee approved the amendments; and

**WHEREAS**, the purpose of these changes are to protect the rural character and environmental quality of the White Lake Watershed area; and

**WHEREAS**, a portion of the limited re-zoning section was also amended.

**NOW, THEREFORE, THE SHAWANO COUNTY BOARD OF SUPERVISORS** in session this 24th day of July, 1996, does ordain as follows:

The Shoreland Zoning Ordinance is amended as follows:

Retitle current Section 8.0 Shoreland-Wetland District as Section 8.0 Special Purpose Districts.

Renumber the Shoreland-Wetland District, current 8.1 through 8.53, as Section 8.1 et seq.

Create the following White Lake Protection District as Section 8.2.

**Section 8.2 - WHITE LAKE PROTECTION DISTRICT**

**8.21 JURISDICTION.** These provisions apply to all lands within 1000 feet of the ordinary high-water mark of White Lake and to specified activities on the bed of White Lake in the Towns of Hartland and Lessor.

**8.22 PURPOSE.** These provisions are adopted to protect the rural character and environmental quality of the White Lake area by:

8.221 Encouraging open space uses in the watershed consistent with reasonable agricultural and residential use of property and avoidance of conflict between uses;

8.222 Encouraging residential development which is adapted to its location and clustered where possible to provide economic and environmental benefits;

8.223 Requiring natural shoreline buffer areas to conserve water quality, natural beauty and fish and wildlife habitat; and by

8.224 Limiting development to areas that can support it.

8.23 LOT DIMENSIONS AND AREA. After adoption of this ordinance, no lot areas shall be so reduced that the dimensional and yard requirements of this ordinance cannot be met.

8.231 The minimum width for each waterfront lot measured more or less parallel to the shoreline shall be 200 feet.

8.232 A minimum 200 feet of lot width is required for each dwelling unit unless a planned unit development is approved for the site (Section 3.2).

8.233 The minimum area for each lot shall be 80,000 square feet.

#### 8.24 SETBACKS

8.241 On lots with a minimum width of at least 300 feet, the minimum shoreline setback from the ordinary high-water mark for all structures except piers shall be 100 feet.

8.242 On lots with a minimum width of less than 300 feet, the minimum shoreline setback from the ordinary high-water mark for all structures except piers shall be 150 feet.

8.243 The side yard setback for all structures shall be 30 feet.

#### 8.25 BUILDING AND CONSTRUCTION STANDARDS.

8.251 The minimum area for residential structures shall be 1,200 square feet on a single level.

8.252 No more than 8% of each lot within 300 feet of the ordinary high-water mark may be covered by impervious surfaces including but not limited to roofs, driveways, patios and decks.

8.253 No more than one accessory structure of no greater than 600 square feet in area and 14 feet in height may be constructed on a lot.

8.254 The exterior color of structures shall be of earth tones so as to make them, to the extent possible, inconspicuous.

8.255 Construction on slopes greater than 12% shall require a conditional use permit under Section 10.4. In considering such permits the Planning and Zoning Committee shall consult with the appropriate town board and shall follow the standards of Sections 7.1 and 7.4. The Committee shall impose any additional conditions necessary to achieve the objectives of Section 8.22 or may reject the application if the project cannot be modified to achieve those objectives.

8.26 SHORELINE PROTECTION AREA. On each lot, in an area bounded by the ordinary high-water mark and a line which is 25 feet less than the shoreline setback (see Sections 8.241 & 8.242), land disturbing activities and vegetation removal are prohibited with these exceptions:

8.261 Pier construction in compliance with Section 8.27 and confined to the view corridor described in Section 8.266.

8.262 A pedestrian access path to the shoreline.

8.263 Shoreline protection authorized by a state permit.

8.264 Removal of dead, diseased or dying trees which are a safety hazard.

8.265 Re-establishment of native plant communities provided land disturbance is minimal and standard erosion control practices are implemented.

8.266 Establishment of a single view corridor on each lot by pruning and selective removal of trees and shrubbery. Clear cutting, filling, grading and other land disturbing activities are not permitted. Sufficient trees and shrubbery shall be retained to screen development from view from the water. The corridor shall be no more than 30 feet wide at the ordinary high-water mark tapering to no more than 15 feet wide at the landward edge of the shoreline protection area.

8.27 PIERS AND BERTHING.

8.271 A single pier or wharf with no more than two berths may be placed by the riparian owner on each lot in accordance with Section 8.261 and Wisconsin Administrative Code NR 326. A berth is a space at a pier or wharf sufficient for mooring a watercraft appropriate for the site and commonly in use at similar sites on White Lake. Such placement shall not require a zoning permit.

8.272 Piers and wharfs for commercial marinas or other businesses may only be located adjacent to shorelines that are zoned C-1 Commercial.

8.273 Boathouses and boat shelters are prohibited.

Delete current Section 3.2, Limited Rezoning..., and replace with the following provisions to provide incentives for cluster development:

3.2 CLUSTER DEVELOPMENT - LIMITED REZONING TO ACHIEVE REDUCED LOT SIZES.

3.21 PURPOSE. The Planned Residential Unit Development is intended to permit smaller lots than would otherwise be required in the district where the physical layout of the lots is so arranged by clustering development near a single location, setting structures back farther from navigable water and sensitive areas, and other appropriate means so as to better achieve the objectives of this ordinance. A condition of all Planned Residential Unit Development is the preservation of open space along the shoreline in perpetuity.

3.22 REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT. The County Board may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development by approving an overlay district and a plat for the specific planned residential project upon finding, after a public hearing, that all of the following facts exist:

- (1) Area. The area proposed for the Planned Unit Development is at least 40 acres in size.
- (2) Pollution Control. The location and nature of the septic systems which will serve the homesites individually or collectively will assure that effluent from the septic systems will not reach the ground or surface waters in a condition which would contribute to health hazards, taste, odor, turbidity, fertility or impair the aesthetic character of navigable waters.
- (3) Preservation of Ground Cover. The location of homesites and the dedication of part of the land



for the use by the public or residents of the Planned Unit Development will preserve the ground cover of the shoreland and scenic beauty of the navigable water, prevent erosion, and other pertinent factors. Land not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall be recorded in the county register of deeds office and shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.

- (4) Density. The number of platted homesites shall not exceed 150% of those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total area of the subdivision, excluding streets, by the minimum lot size required by Section 8.23.
- (5) Lot Sizes, Widths and Other Standards. A minimum lot size of 20,000 square feet and minimum lot width of 100 feet are established for Planned Unit Developments. Lots shall not be so small as to cause pollution or erosion along streets or other public ways and waterways or so small as to substantially depreciate the property values in the immediate neighborhood. Shore cover provisions in Section 8.0 shall apply.

3.23 PROCEDURE FOR ESTABLISHING A PLANNED UNIT DEVELOPMENT DISTRICT. The procedure for establishing limited rezoning in the form of a Planned Residential Unit Development district shall be as follows:

- (1) Petition. A petition setting forth all of the facts required in Section 3.22 shall be submitted

to the County Clerk with sufficient copies to provide for distribution by the Clerk as required by Section 3.23(2).

- (2) Review and Hearing. The petition shall be submitted to the county zoning agency established as required by S. 59.97 (3)(d), Wis. Stats., which shall hold a public hearing and report to the County Board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate district office of the Department as described in Section 11.2 of this ordinance.

The county zoning agency's report to the County Board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults. If a petition seeks approval of a Planned Unit Development plat without first seeking the granting of an overlay district, a hearing shall be held on such plat as in any regular amendment to the zoning ordinance. If, however, a hearing is first held on the overlay for a Planned Unit Development district, a second public hearing need not be held in connection with the approval of a subsequent plat or plats which comply with the overlay district as approved.

- (3) Findings and Conditions of Approval. The County Board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in Section 3.22. If the petition is granted in whole or part, the County Board shall attach such written conditions to the approval as are required by and consistent with Section 3.22. The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks and the location of septic systems and the preservation of ground cover and open space.
- (4) Planning Studies. A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of Section 3.22 or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.